

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. 5-01-236

CONTROL OF DISCHARGES FROM IRRIGATED LANDS

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) is responsible for the protection of the beneficial uses of the waters of the region; and

WHEREAS, the Board adopted Resolution No. 82-036 on 26 March 1982 conditionally waiving waste discharge requirements (WDRs) for 23 categories of discharges including 'irrigation return water' and 'storm water runoff'; and

WHEREAS, WDRs are waived for discharges of irrigation return water only when the discharger is "Operating to minimize sediment to meet Basin Plan turbidity objectives and to prevent concentrations of materials toxic to fish or wildlife" and for storm water runoff "Where no water quality problems are contemplated and no federal NPDES permit is required"; and

WHEREAS, as a result of recent changes in Water Code §13269, waivers of WDRs in effect on 1 January 2000 will sunset on 1 January 2003 unless renewed by the Board; and

WHEREAS, the process of reevaluating control programs and renewing waivers of WDRs is a state-wide challenge facing all of the Regional Boards; and

WHEREAS, the Regional Boards have received no resources for conducting the work required by the recent changes in Water Code §13269; and

WHEREAS, on 28 November 2000, the Board received a petition from Earthjustice Legal Defense Fund on behalf of San Francisco Baykeeper, Deltakeeper, and California Public Interest Research Group; and

WHEREAS, the petition requests the Board to immediately rescind the waiver of waste discharge requirements for irrigation return waters and to issue waste discharge requirements for discharges containing pesticides; and

WHEREAS, the petition and its appendices contain reports related to discharges of pesticides from irrigated lands to surface waters of the Central Valley and these discharges are associated with both irrigation return waters and storm water runoff; and

WHEREAS, at the 26 January 2001 Board meeting, the Board directed staff to prepare a staff report addressing issues related to the regulation of discharges from irrigated lands; and

WHEREAS, staff prepared a report entitled "A Review of Options for Controlling Discharges from Irrigated Lands: -Irrigation Return Water, -Storm Water Runoff" dated July 2001; and

WHEREAS, the Board held a workshop on 27 July 2001 and received information from staff and the public on the issues related to discharges from irrigated lands; and

WHEREAS, there are over seven million acres of irrigated land in the Central Valley and tens of thousands of discharge points from individual fields; and

WHEREAS, discharges of irrigation return waters and storm water from irrigated lands can contain pesticides, nutrients, sediments, and other constituents that adversely impact beneficial uses; and

WHEREAS, the Board has focused its efforts on the most serious water quality threats, but the available monitoring does not allow the Board to identify the source of several of the pollutants being found in main stem waters; and

WHEREAS, the Board does not have resources to directly regulate all discharges from irrigated lands through the WDR process; and

WHEREAS, the Board received information at the workshop indicating that other agencies and organizations are addressing the control of pollutant discharges from irrigated lands and that these parties want to continue this effort in lieu of having the Board initiate a formal regulatory process; and

WHEREAS, the Board needs additional information on the sources of pollutants and the extent of control activities being conducted by other organizations in order to determine whether waste discharge requirements for discharges from irrigated lands should continue to be waived after 1 January 2003; and

WHEREAS, regulatory programs conducted by other agencies and voluntary efforts by individuals and private organizations have been successful in addressing water quality issues without the need for issuance of WDRs; and

WHEREAS, examples of successful pollutant control efforts include Department of Pesticide Regulation's Rice Pesticide Program and the Biologically Integrated Orchard Systems (BIOS) Program; and

WHEREAS, if voluntary efforts are not effective in preventing adverse impacts to beneficial uses, the Board may have to use a more structured regulatory approach such as

that described in the State Water Resources Control Board's *Plan for California's Nonpoint Source Pollution Control Program*; therefore be it

RESOLVED, that the Board denies the petition of the Earthjustice Legal Defense Fund to rescind the waiver of WDRs for discharges from irrigated lands; and

BE IT FURTHER RESOLVED, that the Board directs staff to begin the process of evaluating the existing waivers prior to January 2003, and

BE IT FURTHER RESOLVED, that site specific information that can be used to evaluate compliance with waiver conditions must be available before a renewed waiver policy can be considered; and

BE IT FURTHER RESOLVED, that staff is directed to request agencies and organizations that work with drainage from irrigated lands to establish local water quality monitoring efforts to identify sources of pollutants; and

BE IT FURTHER RESOLVED, that staff is directed to assist in and track the progress made by these voluntary efforts to monitor and control discharges of pollutants from irrigated lands and to prepare routine progress reports for the Board; and

BE IT FURTHER RESOLVED, that the Executive Officer is directed to inform the State Water Resources Control Board of the results of this Board's review of the issues related to control of discharges from irrigated lands and to seek statewide guidance and resources to address this category of discharge and other categories of dischargers currently operating under waivers of WDRs; and

BE IT FURTHER RESOLVED, that, if the Executive Officer determines by 1 February 2002 that satisfactory progress is not being made in assessing the extent and sources of pollutants resulting from agricultural activities, the Executive Officer is directed to issue orders under Water Code § 13267 on appropriate parties to gather data needed for the Board to evaluate this matter; and

BE IT FURTHER RESOLVED, that before the end of 2002 the Executive Officer will evaluate the available information and make recommendations as to whether to proceed to adopt a new waiver with conditions or to control discharges through a more formal regulatory approach.

I, GARY M. CARLTON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 7 September 2001.



GARY M. CARLTON, Executive Officer